

103D CONGRESS
1ST SESSION

H. R. 83

To require employers to provide certain information concerning family leave policies and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. CARR introduced the following bill; which was referred jointly to the Committees on Post Office and Civil Service and Education and Labor

A BILL

To require employers to provide certain information concerning family leave policies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Workplace Family
5 Leave Policy Disclosure Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) there is a substantial number of 2-parent
9 households in which both parents work, and the

1 number of single-parent households in which the sin-
2 gle parent works is increasing significantly;

3 (2) it is important for the development of chil-
4 dren and the family unit that parents be able to par-
5 ticipate in child rearing and the care of children who
6 have serious health conditions;

7 (3) one of the most dramatic changes occurring
8 in the United States is the aging of our population,
9 and the elderly increasingly will require care and
10 support from their family members;

11 (4) it is important for employers to develop
12 policies that reflect a balance between the demands
13 of the workplace and the needs and responsibilities
14 of families;

15 (5) at a minimum, family leave policies should
16 offer (A) temporary family leave in the event of a
17 birth or adoption of a child, for the care of the seri-
18 ously ill child or family member, or for an employ-
19 ee's serious health condition, and (B) protection of
20 an employee's job and benefit rights; and

21 (6) there are conflicting studies, surveys, and
22 other types of information concerning whether em-
23 ployers are adequately addressing the needs of em-
24 ployees to take leave for the purpose of attending to
25 such important family matters.

1 **SEC. 3 EMPLOYER REPORTS CONCERNING FAMILY LEAVE**
2 **POLICIES.**

3 (a) IN GENERAL.—(1) Each Federal, State, or local
4 government employer, and each private employer shall
5 submit to the Secretary of Labor a report concerning
6 whether, and in what manner, such employer provides
7 leave for purposes of the birth or adoption of a child, for
8 the care of a seriously ill child or family member, or for
9 a serious health condition of the employee. Each such em-
10 ployer shall make a copy of such report available to the
11 employer's employees.

12 (2) The employer shall report such information to the
13 Secretary of Labor not later than the end of the 12-month
14 period beginning after the date of the enactment of this
15 Act and at the end of each of the next 2 succeeding 12-
16 month periods.

17 (3) If an employer modifies its family leave policy at
18 any time during any such 12-month period, that employer
19 shall inform the Secretary of Labor of such modification.

20 (4) This Act shall not apply in the case of an em-
21 ployer whose business operation is owned and controlled
22 exclusively by members of a family who are not more than
23 1 generation removed from each other by blood or mar-
24 riage.

25 (b) REGULATIONS.—(1) Not later than 90 days after
26 the date of the enactment of this Act, the Secretary of

1 Labor shall prescribe regulations to provide guidance to
2 employers on their reporting obligations under this Act.
3 The Secretary shall develop a brief model survey form (of
4 not more than 5 pages) for employers to use to report
5 information required under this Act.

6 (2) Such regulations shall include provisions which
7 encourage employers to submit their reports by electronic
8 means.

9 (c) EMPLOYER NOTICES.—Employers shall be re-
10 quired to post and keep posted, in conspicuous places upon
11 its premises where notices to employees and applicants for
12 employment are customarily posted, a notice setting
13 forth—

14 (1) a summary, prepared by the Secretary of
15 Labor, of the pertinent provisions of this Act, and

16 (2) the rights of the employees to inform the
17 Secretary of Labor of violations of this Act.

18 (d) ENFORCEMENT.—(1) Subject to paragraph (2),
19 any employer who fails to file the required report or who
20 provides false or misleading information in the report may
21 be assessed a civil penalty not to exceed \$10,000.

22 (2) In determining the amount of the penalty, the
23 Secretary of Labor shall take into account the previous
24 record of the person in terms of compliance with this Act
25 and the gravity of the violation.

1 (3) Any civil penalty assessed under this subsection
2 shall be collected in the same manner as is required by
3 subsections (b) through (e) of section 503 of the Migrant
4 and Seasonal Agricultural Workers Protection Act (29
5 U.S.C. 1853) with respect to civil penalties assessed under
6 subsection (a) of such section.

7 **SEC. 4. REPORT TO CONGRESS.**

8 Not later than 4 years after the date of the enact-
9 ment of this Act, the Secretary shall analyze the informa-
10 tion submitted under this Act and submit a report to the
11 Congress concerning the Secretary's analysis of such in-
12 formation.

13 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated to the Sec-
15 retary of Labor such sums as may be necessary to carry
16 out this Act.

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